REMARKS

I. Introduction

Claims 1-61 are pending in this application.

The Examiner rejected claims 1-11, 13, 15-19, 21-27, 29-32, 34-44, 45, 48-52, and 54-60 under 35 U.S.C. § 102(e) as being unpatentable over Brenner et al. U.S. Patent No. 6,099,409 (hereinafter "Brenner").

The Examiner rejected claims 12, 33, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

The Examiner rejected claims 14 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lange et al. U.S. Patent No. 4,322,612 (hereinafter "Lange").

The Examiner rejected claims 20 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lvov et al. U.S. Patent No. 6,117,011 (hereinafter "Lvov").

The Examiner rejected claims 28 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Hedges et al. U.S. Patent No. 4,467,424 (hereinafter "Hedges").

II. Interview Summary

On December 5, 2003, the Examiner and the undersigned conducted a telephonic interview on the merits of the above-identified patent application. Applicants and the undersigned wish to thank the Examiner for the courtesies extended during the interview.

Details of the interview will appear in the discussion below where appropriate. Generally, the Examiner and the undersigned discussed the patentability of independent claims 1, 29, 32, and 34 with respect to Brenner.

More particularly, the undersigned pointed out that applicants' invention patentably improves upon Brenner by "automatically taking a particular action *whenever the wagering criteria are satisfied*." As explained in applicants' Remarks, Brenner does not discuss taking a particular action *whenever the wagering criteria are satisfied*.

The Examiner stated that the undersigned should set forth the arguments made during the interview in written form and that they would be considered. Accordingly, applicants have incorporated the concepts discussed in the interview in the Remarks below.

III. Summary of Applicants' Reply to Office Action

Claims 29 and 32 have been amended to more particularly define the invention.

The Examiner's rejections are respectfully traversed.

IV. The Rejection Of The Claims

A. The Rejection of the Claims Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-11, 13, 15-19, 21-27, 29-32, 34-44, 46, 48-52, and 54-60 under 35 U.S.C. § 102(e) as being anticipated by Brenner. This rejection is respectfully traversed.

i. Claims 1-11, 13, 15-19, 21-27, 34-44, 46, 48-52, and 54-60

Applicants' independent claims 1 and 34 are directed towards a method and machine-readable medium for interactive wagering with an interactive wagering application. The interactive wagering application allows a user to select desired wagering criteria. For example, FIG. 6 shows an illustrative menu screen that allows the user to select desired wagering criteria. As shown, the user has selected the following criteria: Seattle Slew (horse), turf (surface), and 1 mile (distance). In response, the interactive wagering

23

application determines whether a desired wagering opportunity exists by determining whether the wagering criteria are satisfied. Whenever the wagering criteria are satisfied, the interactive wagering application automatically takes a particular action (e.g., place a $5 win wager for Seattle Slew).

Brenner refers to an interactive wagering system that allows a user to view racing information and place bets using an off-track user terminal. As shown in FIG. 16, Brenner teaches that the user may select from menu options "send/delete," "More bets same race," "more bets other race," and "main menu." When a user selects the "send/delete" option, the user is presented with a screen shown in FIG. 17. FIG. 17 allows the user to select from the menu options "delete a wager," "send wagers," "duplicate wager," and "main menu." When the user selects "send wagers," all of the wagers in the wager queue are sent to a totalisator.

In rejecting independent claims 1 and 34, the Examiner contends that Brenner discloses all of the elements of applicants' claims 1 and 34. However, Brenner does not show applicants' specific improvement of using an interactive wagering application to take a particular action *whenever the*

wagering criteria are satisfied, as set forth in independent claims 1 and 34.

Moreover, the Examiner appreciates this difference. In the Response to Arguments section and during the interview, the Examiner states that "Brenner shows that the user can automatically take a particular action (i.e., select a racetrack, bet-type, horse, etc.)" (Office Action, page 2). This statement clearly shows that the Examiner appreciates that automatically taking a particular action whenever the wagering criteria are satisfied is not equivalent to taking a particular action in response to a user indication.

For at least these reasons, independent claims 1 and 34 and dependent claims 2-11, 13, 15-19, 21-27, 35-44, 46, 48-52, and 54-60 are allowable over Brenner. Accordingly, applicants request that the rejection of claims 1-11, 13, 15-19, 21-27, 34-44, 46, 48-52, and 54-60 be withdrawn.

ii. Claims 29-32

Amended independent claims 29 and 32 are directed towards a method and a system of interactive wagering with an interactive wagering application. More specifically, the user is provided with an opportunity to select a given horse and a

wager for the given horse is automatically placed whenever it is determined that the given horse is to run in a particular race.

For example, as shown in FIG. 5, the user may search for a given horse from a listing of horses. If at any time the interactive wagering application determines that the given horse is to run in a particular race, a wager is automatically placed for the given horse.

Brenner does not teach applicants' specific improvement of automatically placing a wager for the given horse whenever it is determined that the given horse is to run in a particular race.

The Examiner contends that the following paragraph from Brenner shows applicants' specific improvement:

> When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.

(Brenner, column 4, lines 38-46). Contrary to the Examiner's contention, this portion of Brenner does not refer to

26

automatically placing a wager for the given horse whenever it is determined that the given horse is to run in a particular race, as specified by independent claims 29 and 32. Rather, this portion of Brenner simply refers to where wager data is transmitted (i.e., the wager data management system) and describes features of the wagering data management system.

Accordingly, Brenner does not show or suggest automatically placing a wager for the given horse whenever it is determined that the given horse is to run in a particular race as specified by independent claims 29 and 32. Therefore, the rejection of claims 29 and 32 show be withdrawn. Claims 30 and 31, which depend from independent claim 29, are allowable at least because claim 29 is allowable.

B.   The Rejection of the Claims Under 35 U.S.C. § 103(a)

    i.   Claims 12, 33, and 45

The Examiner rejected claims 12, 33, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Brenner. This rejection is respectfully traversed.

Claims 12, 33, and 45 are dependent from independent claims 1, 32, and 34, respectively, and are allowable at least because claims 1, 32, and 34 are allowable. Accordingly,

27

applicants respectfully request that the rejection of claims 12, 33, and 45 be withdrawn.

ii. Claims 14 and 47

The Examiner rejected claims 14 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lange. This rejection is respectfully traversed.

Claims 14 and 47 are dependent from independent claims 1 and 34, respectively, and are allowable at least because claims 1 and 34 are allowable. Accordingly, applicants respectfully request that the rejection of claims 14 and 47 be withdrawn.

iii. Claims 20 and 53

The Examiner rejected claims 20 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lvov. This rejection is respectfully traversed.

Claims 20 and 53 are dependent from independent claims 1 and 34, respectively, and are allowable at least because claims 1 and 34 are allowable. Accordingly, applicants respectfully request that the rejection of claims 14 and 47 be withdrawn.
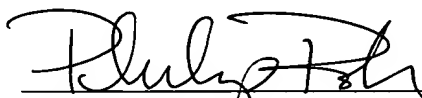
iv. Claims 28 and 61

The Examiner rejected claims 28 and 61 under 35

U.S.C. § 103(a) as being unpatentable over Brenner in view of

Hedges. This rejection is respectfully traversed.

Claims 28 and 61 are dependent from independent

claims 1 and 34, respectively, and are allowable at least

because claims 1 and 34 are allowable. Accordingly, applicants

respectfully request that the rejection of claims 14 and 47 be

withdrawn.

V. Conclusion

In view of the foregoing, claims 1-61 are in

condition for allowance. This application is therefore in

condition for allowance. Reconsideration and allowance of this

application are respectfully requested.

Respectfully submitted,

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